

18832. Adulteration of dried whole green peas, dried split green peas, and rice. U. S. v. 90 Bags, etc. (F. D. C. No. 33140. Sample Nos. 16807-L to 16809-L, incl.)

**LIBEL FILED:** May 21, 1952, Southern District of California.

**ALLEGED SHIPMENT:** On or about January 15 and March 12, 1952, from Spokane, Wash., and Mermentau, La.

**PRODUCT:** 90 100-pound bags of dried whole green peas, 105 100-pound bags of dried split green peas, and 150 100-pound bags of rice, at Los Angeles, Calif., in possession of Casaus Bros.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), the articles had been held under insanitary conditions whereby they may have become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 9, 1952. Casaus Bros., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for cleaning and reconditioning, under the supervision of the Federal Security Agency. The reconditioning operations resulted in the release of 4,586 pounds of dried whole green peas, 8,232 pounds of dried split green peas, and 14,889 pounds of rice as fit for human consumption.

#### TOMATOES AND TOMATO PRODUCTS

18833. Misbranding of canned tomatoes. U. S. v. 124 Cases \* \* \*. (F. D. C. No. 31745. Sample No. 23752-L.)

**LIBEL FILED:** October 1, 1951, District of Connecticut.

**ALLEGED SHIPMENT:** On or about August 15, 1951, by the Woodside Canning Co., from Woodside, Del.

**PRODUCT:** 124 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Waterbury, Conn.

**LABEL, IN PART:** "Zakly-Rite Tomatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive peel, and the label failed to bear a statement that the product fell below the standard.

**DISPOSITION:** June 27, 1952. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

18834. Misbranding of canned tomatoes. U. S. v. 199 Cases \* \* \*. (F. D. C. No. 31940. Sample No. 37457-L.)

**LIBEL FILED:** October 30, 1951, Southern District of New York.

**ALLEGED SHIPMENT:** On or about September 18, 1951, by the Albertson Packing Co., from Hope, N. J.

**PRODUCT:** 199 cases, each containing 6 cans, of tomatoes at New York, N. Y.

**LABEL, IN PART:** "Clarkdale Brand Solid Packed Whole Tomatoes Drained Weight 78 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Solid Packed Whole Tomatoes Drained Weight 78 Oz." was false and misleading since the product contained broken pieces of tomatoes and had an average drained weight of less than 78 ounces.

**DISPOSITION:** February 19, 1952. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

**18835. Adulteration of tomato paste. U. S. v. 499 Cases, etc. (and 5 other seizure actions).** (F. D. C. Nos. 32415, 32416, 32418, 32424, 32425, 32437. Sample Nos. 3482-L, 17856-L, 17857-L, 23927-L, 26921-L, 26922-L, 26925-L to 26927-L, incl., 27131-L, 29751-L, 37983-L.)

**LIBELS FILED:** January 11, 14, 16, 23, and 28, and February 6, 1952, District of New Jersey, Northern and Southern Districts of California, Western District of Washington, and Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about May 8, 14, 23, 24, and 28, and June 19, 1951, by the Anglo-American & Overseas Corp., from Brooklyn and New York, N. Y.

**PRODUCT:** 3,464 cases, each containing 6 cans, and 4,210 cases, each containing 10 cans, of tomato paste at Bayonne, N. J.; Oakland, Stockton, and San Diego, Calif.; Seattle, Wash.; and Norfolk, Va.

**LABEL, IN PART:** (Can) "Halisco Concentrated Tomato Paste Dry Extract 28% 1950 Product of France Net Weight: about 10 lbs. 2 ozs.," "J. O. C. Extrait De Tomates Poids Net Environ 4 Kgs 500," "Les Boules Rouges Extrait De Tomates Poids Net 4 Ko 500 Environ," "Tomato Paste Dry Extract 28% 1950 Product of France Nett Weight: lbs. 10 - 2 oz.," "High Concentrated Hungarian Tomato Paste Contents 160½ Oz. Net Hungarian Product," "Tomato Paste Made in Hungary 160½ Oz. Net Golden Pheasant," "Tomato Paste Product of Geremia Greci & Figli Parma (Italy) Nett Weight Lbs. 10," and "Tomato Paste Concentrato di Pomodoro Dry Matter 27/29% Net Weight Lbs. 9. - 14 Ozs. Product of Italy."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** May 6, June 2, 5, 9, 10, and 12, and July 29, 1952. Default decrees of condemnation and destruction.

**18836. Adulteration of tomato sauce. U. S. v. 172 Cases \* \* \*. (F. D. C. No. 32648. Sample No. 7285-L.)**

**LIBEL FILED:** February 5, 1952, Western District of New York.

**ALLEGED SHIPMENT:** During December 1946, from Indianapolis, Ind.

**PRODUCT:** 172 cases, each containing 24 10½-ounce cans, of tomato sauce at Buffalo, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce. (Examination showed that it was undergoing chemical decomposition.)

**DISPOSITION:** March 4, 1952. Default decree of condemnation and destruction.